

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re FTCA Flint Water Cases

Civil Case No. 17-11218
Honorable Linda V. Parker

**OPINION AND ORDER DENYING AS MOOT (1) MOTION TO
CONSOLIDATE CASES [ECF NO. 95]; (2) MOTION OF AMICI CURIAE
[ECF NO. 107] AND (3) MOTION FOR LEAVE TO FILE [ECF NO. 109]**

The above-captioned matter (“FTCA Flint Water Cases”) represents a consolidation of several Federal Tort Claims Act (“FTCA”) lawsuits against the United States Environmental Protection Agency (“EPA”), alleging that the EPA negligently responded to what has become commonly referred to as the Flint Water Crisis. On November 13, 2019, a group of FTCA claimants filed another action entitled *Meeks v. United States*, No. 19-13359 (“*Meeks*”). *Meeks* was randomly assigned to the Honorable Judith E. Levy, who also is presiding over several cases arising from the Flint Water Crisis. The cases before Judge Levy involve claims against Michigan State officials and private entities (collectively referred to as the “Flint Water Cases”).

The EPA filed a motion asking this Court to consolidate *Meeks* with the FTCA Flint Water Cases. (ECF No. 95). While the matters were appropriate for consolidation pursuant to Rule 42 of the Federal Rules of Civil Procedure, the local

rules in this District prevent reassignment absent the consent of the judges to whom the matters are assigned. E.D. Mich. LR 83.11(b). Two of the private entities involved in Judge Levy's cases filed motions asking the undersigned for permission to present their positions on the consolidation request. (ECF Nos. 107, 109.) In the meantime, the plaintiffs in *Meeks* and certain defendants in Judge Levy's Flint Water Cases moved to consolidate *Meeks* with the cases before her. On April 29, 2020, Judge Levy entered an order granting that request. *See* Order, *Meeks*, No. 19-13359 (E.D. Mich. April 29, 2020).

In light of Judge Levy's decision, the motions pending before the undersigned are moot and are denied as such.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: May 1, 2020